



City of Seattle

**Department of Planning and Development**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3012278  
**Applicant Name:** Sunny Ausink for AT & T Mobility  
**Address of Proposal:** 6225 30<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Land use application to allow expansion of a minor communication utility (AT & T), consisting of three replacement panel antennas mounted on an existing Seattle City Light transmission tower. The project also includes the addition of ancillary equipment on and within the footprint of the existing tower.

The following approvals are required:

**Administrative Conditional Use** - To allow expansion of a minor communication utility in a single-family zone.

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code

**SEPA DETERMINATION:**      ☐ EXEMPT   ☒ DNS   ☐ MDNS   ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site Location and Description**

The subject site is located at the northwest corner of South Graham Street and 30<sup>th</sup> Avenue South within a City of Seattle transmission line right-of-way in the Beacon Hill neighborhood. Within this swath of land cutting across Beacon Hill, the development site comprises of an approximately 11,440 square foot lot in a Single Family 5,000 (SF 5000) zone. One utility transmission tower standing approximately 131 feet above grade is the only structure sited at the development site. The subject site is otherwise free of structures, with grass lawn and few trees.

South Graham Street to the south is a fully improved right-of-way, while 30<sup>th</sup> Avenue South is improved with an asphalt roadway surface.

The subject site is located within a SF 5000 zone that supports modestly sized one and two story homes. The nearest single family use to the west is approximately 150 away and 12 feet above base grade for the transmission tower. To the east across the 30<sup>th</sup> Avenue South right-of-way the nearest single family use is approximately 2 feet above base grade. Situated to the southeast and northwest is the transmission line right-of-way that supports utility lines and towers

#### Public Comment

The 14 day comment period began June 2, 2011. No comment letters were received.

#### **ANALYSIS AND CRITERIA - ADMINISTRATIVE CONDITIONAL USE**

Section 23.57.010.C of the Seattle Municipal Code (SMC) provides that a minor communication utility may be permitted in a Single-Family Zone with the approval of an administrative conditional use permit when the establishment or expansion of a minor communication utility, except on lots zoned Single Family or Residential Small Lot and containing a single family use residence or no use subject to the requirements of this section enumerated below:

- 1. The proposal shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.*

The proposal site is located within a Seattle City Light transmission line right-of-way in a Single Family 5000 zone. The existing facility is sited on a utility transmission tower. The proposal is limited to changing out three panel antennas with three similar antennas although of slightly different dimension. The replacement antennas will be mounted on a stand-off frame to an existing electrical transmission tower and painted to match the existing color of the tower to minimize visual impacts on surrounding uses, similar to the existing antennas. The accessory equipment will be hidden behind an existing fence. As viewed from the street or nearby residences, the proposal will appear virtually unchanged from the existing condition. As proposed, the expansion of the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood. The submitted documents and plans note that the proposed devices will be painted to match the tower in a non-glare color.

- 2. The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible. The proposed antennas would be painted to match the tower and will appear very similar to the antennas that are being removed. New ancillary equipment will be very small and/or screened behind a fence.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*

- a. *the antenna is at least four hundred feet (400') from a MIO boundary; and*
- b. *the antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay; therefore, this provision is not applicable.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposal includes replacing existing antennas that are located above the zoned height limit.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

The proposed minor communication utility is not proposed for a new freestanding transmission tower. Therefore, this provision does not apply.

6. *If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection 23.57.009 A. except for minor communication utilities located on freestanding water tower or similar facility.*

The proposed minor communication utility will not be the third utility service on the same lot. Therefore, this provision does not apply.

### **DECISION - ADMINISTRATIVE CONDITIONAL USE PERMIT**

This application to expand a minor communication utility in a Single Family zone is

### **CONDITIONALLY APPROVED.**

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by the applicant on May 19, 2011, and supplemental information in the project file submitted by the applicant. The information in the checklist, supplemental information, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### **Short-term Impacts**

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; 6) increased greenhouse gas emission due to construction-related activities, and 7) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse. City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary.

### **Long-term Impacts**

Since the expansion is mostly a replacement of existing equipment, no long term impacts have been identified that warrant mitigation.

### **Environmental Health**

The applicant has submitted a Statement of Federal Communication Commission (FCC) Compliance for Personal Wireless Service Facility and an accompanying Non-Ionizing Electromagnetic Exposure Analysis & Engineering Certification for this proposed facility giving the calculations of radio frequency power density expected from this proposal and attesting to the certification of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health.

Furthermore, the Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

### **CONDITIONS - ADMINISTRATIVE CONDITIONAL USE**

1. The owner(s) and/or responsible party(s) shall ensure that the antennas and support structures are painted to blend with the color (non-glare) of the transmission tower.
2. The owner(s) and/or responsible party(s) shall maintain the fence with a low gloss or flat earth tone color to minimize contrast with proposed vegetation in the landscaped area.

### **CONDITION - SEPA**

None

Signature: \_\_\_\_\_ (signature on file)  
Jerry Suder, Land Use Planner  
Department of Planning and Development

Date: August 25, 2011